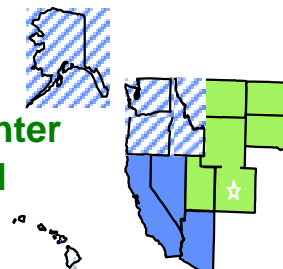




U.S. Army Environmental Center Western Regional Environmental REGION X - JULY 1999



WESTERN REGIONAL REVIEW

This publication provides current information on significant regulatory developments and related information in the Federal Region X area (Alaska, Idaho, Oregon, and Washington) that affect U.S. Army activities and operations. We appreciate your feedback and encourage suggestions for future discussion, or comments. Please contact us at U.S. Army Environmental Center, Western Regional Environmental Office, ATTN: SFIM-AEC-WR, Building 111, Commerce City, CO 80022-2108, commercial (303) 289-0125, DSN: 749-2125, FAX: (303) 289-0272, or e-mail: redgerto@pmrma-emh1.army.mil

REGIONAL UPDATES/ALERTS AVAILABLE ON THE INTERNET

Current and past issues of the *WESTERN REGIONAL REVIEW* for Regions VIII, IX, and X are available on the Internet at <http://aec-www.apgea.army.mil:8080/prod/usaec/ro/western/updates/wupdates.htm>.

FEDERAL REGULATORY DEVELOPMENTS

Resource Conservation and Recovery Act (RCRA):

EPA to Inspect Federal Facilities for Compliance with Recycled Content Mandates

The EPA announces that it will begin inspecting federal facilities for compliance with buy-recycled requirements of the Resource Conservation & Recovery Act (RCRA). The EPA will particularly be scrutinizing compliance at motor vehicle maintenance areas, the Agency's guidance states. The EPA plans to focus on information collection and awareness of requirements, rather than enforcement, during the first year of the policy's implementation. The EPA's inspection activities "should focus primarily on information collection," the guidance advises. The EPA issued the guidance on 12 May 1999, as directed by Executive Order 13101, which significantly increases the authority of environmental officials to require DoD and other federal agencies to use environmentally friendly materials. The order, in part, directs the EPA to write guidance for inspections aimed at determining whether federal facilities are in compliance with the buy-recycled program established by section 6002 of RCRA (Defense Environment Alert, 22 September 1998). Section 6002 sets up the program for federal purchases of recycled content products.

The new guidance has prompted the DoD to make plans to publicize the new area of inspection to military installations, according to a military source. This source would not comment on whether the military services are generally in compliance with the RCRA buy-recycled provisions. An EPA source says DoD has a "fairly aggressive" recycled content program, but this source could not speak to DoD's compliance with section 6002. "That's what the inspections are about," the source says. The EPA compliance inspectors are to use the guidance during RCRA inspections or in multi-media regulatory compliance inspections where RCRA compliance is a component of that inspection.

Under the law, the EPA has designated items under its Comprehensive Procurement Guidelines (CPG) program that are or can be made with recovered materials. Subsequently, procurement agencies such as DoD must buy items with the highest percentage of recovered materials practicable. The EPA currently has designated 36 products in its CPG program and has made recommendations for the recycled content level for each of these products.

The EPA will target motor vehicle maintenance shops specifically for inspections because each of the three CPG-designated vehicular products have existed for a long time and received considerable attention from federal agencies. "Therefore, during the first year of implementing the inspections called for in EO 13101, EPA has elected to gather information on facility compliance with this aspect of the CPG program," the guidance says.

Under the inspection procedures, the EPA recommends recovered material content levels for re-refined oils and lubricants, retread tires, and engine coolant. The re-refined oil content should be no lower than 25 percent re-refined oil. For tires, either obtain tire retreading services for worn tires or buy retread tires as replacements. In addressing the use of engine coolants, the EPA recommends motor pools establish programs for reclaiming and reusing engine coolant.

The EPA's authority to enforce the buy-recycled content provisions is limited. The Agency cannot issue administrative penalty actions or orders under RCRA's enforcement authorities. It can, however, issue notices of violation or consent to compliance agreements at federal facilities in violation of section 6002, according to the guidance. For additional information on these developments, view the EPA's Internet site at <http://www.epa.gov/epaoswer/non-hw/procure/glossary.htm> or contact Ms. Diane Connolly of the WREO at (303) 289-0459 (commercial) or 749-2459 (DSN).

Adequacy of State Permit Programs under RCRA Subtitle D

The EPA is taking direct final action to streamline the approval process for specified States' permit programs for solid waste disposal facilities other than municipal solid waste landfills (MSWLFs) that receive conditionally exempt small quantity generator (CESQG) hazardous waste. States whose Subtitle D MSWLF permit programs or Subtitle C hazardous waste management programs have been reviewed and approved or authorized by the EPA are eligible for this streamlined approval process if their State programs require the disposal of CESQG hazardous waste in suitable facilities. The EPA is issuing an adequacy determination to the following State programs: Arizona, California, Colorado, North Dakota, South Dakota, Utah, and Wyoming. This final rule will become effective 7 September 1999, unless the EPA receives relevant adverse comment. For information on the final rule, contact the RCRA Hotline at (800) 424-9346.

Clean Air Act (CAA):

NESHAP Final Rules for Natural Gas Transmission and Storage

The U.S. Environmental Protection Agency (EPA) announces final rules concerning national emission standards for hazardous air pollutants (NESHAP) limit emissions of hazardous air pollutants (HAP) from oil and natural gas production and natural gas transmission and storage facilities. These final rules implement section 112 of the Clean Air Act (Act) and are based on the EPA's determination that natural gas transmission and storage facilities emit HAP identified on the EPA's list of 188 HAP. The EPA estimates that approximately 69,000 megagrams per year (Mg/yr) of HAP are emitted from facilities in these source categories. The primary HAP emitted by the facilities covered by these final standards include benzene, toluene, ethyl benzene, mixed xylenes (collectively referred to as BTEX), and n-hexane. Benzene is carcinogenic and has also been shown to cause various adverse health effects other than cancer. The other four HAP are not classified as carcinogens based on available information; however, exposures to these four HAP have been shown to cause various noncancer effects. The EPA estimates that these promulgated NESHAP will reduce HAP emissions from major sources in the natural gas transmission and storage source category by 95.0 percent. This regulation is effective as of 17 June 1999. For information concerning the final rules, contact the EPA at (919) 541-3078.

Clean Water Act (CWA):**Proposed Unified Federal Policy for Watershed Management on Federal Lands**

The U.S. Departments of Agriculture and the Interior released a draft of a Unified Federal Policy for Ensuring a Watershed Approach to Federal Land and Resource Management to Congress, tribes, states, and interested stakeholders. The proposed policy, a key action of the President's Clean Water Action Plan, has two primary goals: to use a watershed approach to prevent and reduce water pollution resulting from federal land and resource management activities and to accomplish this in a unified and cost effective manner. After this consultation period, a new draft of the Unified Federal Policy will be put in the Federal Register for a 90-day public comment period in late July. For a copy of the draft, visit the Bureau of Land Management at <http://www.blm.gov/> or the Forest Service at <http://www.fs.fed.us/clean/unified/> on the Internet.

Environmental Protection and Community Right-to-Know Act (EPCRA):**New EPA Office to Focus on TRI, Confidential Information, and FOIA**

The EPA announces the formation of a new information office within the Agency that will develop new regulations for the Toxic Release Inventory (TRI). The new office will also take the lead in revising rules on confidential business information (CBI) and administering Freedom of Information Act (FOIA) requests. Early indications are that the new office will attempt to lower the reporting thresholds for some chemicals, shorten the time frame for facilities to report corrections, and speed up the release of annual data compilations. The new office is scheduled be operational in August or September of this year. Development of an "information plan" for the office will begin in September, EPA officials have announced. The WREO will continue to monitor the development of the new office and report updates in a timely manner.

Emergency Responders Not to Rely on Material Safety Data Sheets

An alert issued by the EPA warns local emergency responders not to rely solely on Material Safety Data Sheets (MSDSs) provided or maintained at facilities during a chemical accident. Information about the chemicals involved in an accident is critical to a safe response. Generally, responders rely primarily on MSDSs maintained at the facilities. However, MSDSs alone frequently do not provide local responders sufficient information to effectively and safely respond to an accidental release of a chemical. The EPA's alert is designed to increase awareness, so that first responders can take proper precautions. The alert identifies additional sources of chemical information that could help prevent the loss of life. MSDSs provide important information on the physical/chemical characteristics and first aid procedures. However, the content of the MSDSs on emergency response procedures, fire and reactive hazards may be insufficient for local responders in an emergency situation. Local officials should recognize the importance of preplanning with facilities in their communities that store or use hazardous materials. Sufficient and correct information regarding chemicals in an accidental release can make the difference between successful emergency response and potential disaster for local responders and the community. The alert is available on EPA's web page at <http://www.epa.gov/ceppo/> under "What's New." Copies also are available through the EPCRA hotline by calling (800) 424-9346.

Endangered Species Act (ESA):**Availability of Endangered Species Consultation Handbook for Activities under Section 7**

The U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) announce the availability of their final joint Endangered Species Consultation Handbook. This document provides internal guidance to all employees of the two agencies relative to conducting consultations and

conferences under Section 7 of the ESA, as amended. Its purpose is to provide policy and guidance for Section 7 procedures to promote efficiency and nationwide consistency within and between the FWS/NMFS and other federal agencies. Although intended primarily as internal agency guidance, this handbook is fully available for public information and use. Visit the FWS Internet website at <http://www.fws.gov/rpendspp/section7/section7.htm> to obtain a copy of the handbook, or contact the FWS at (703) 358-2106.

Miscellaneous:

Final Rule on Lead-Based Paint Hazards Becomes Effective

The EPA's final rule on lead-based paint hazards during renovation or remodeling activities took effect on 1 June 1999. The rule requires renovators to give homeowners/tenants a pamphlet containing information on how to protect their families from lead hazards before beginning renovation activities which disturb more than two square feet of paint in pre-1978 housing. It is estimated that 80 percent of all residential dwellings built before 1978 contain some lead-based paint. When lead-based paint is disturbed during renovation, it may contaminate dust and soil, posing hazards, especially to young children. When appropriate dust-control practices are followed during renovations, the potential for lead exposure can be minimized. About one million children under the age of six have elevated blood lead levels, making lead poisoning the number one environmental health hazard to children. Copies of the final regulation, interpretive guidance on the regulation, and the required federal pamphlet, entitled "Protect Your Family From Lead in Your Home," can be found on the EPA's web site at <http://www.epa.gov/lead/> or by calling (800) 424-LEAD.

Exemption for Certain Hydrocarbon Fuels from the RMP

The EPA has issued an interim administrative stay of the effective date of the risk management program (RMP) rule as it applies to flammable hydrocarbon fuels including propane, butane, ethane, methane and others stored in quantities no greater than 67,000 pounds in process. This administrative stay extends the scope of a court-ordered stay, issued April 27 1999 by the U.S. Court of Appeals, to parties that use RMP listed flammable hydrocarbons. Parties now covered by the EPA's stay include distributors and users of natural gas/liquified natural gas, utilities and exotic fuel users. In addition, the EPA also proposed a rule to establish this exemption. A final rule is expected in the fall; a copy of the Federal Register notice will be published soon. Once published, the Federal Register notice will be available via the EPA's web page at <http://www.epa.gov/ceppo/> under "What's New."

Renewable Energy Pollution Prevention Information Available On Line

The EPA has developed a new web site that provides information about the pollution prevention benefits of using renewable energy, including solar, wind, biomass, hydro and geothermal energy. It also advises consumers how to obtain electricity from green power marketers and utilities providing green pricing options. Green power is generated by using renewable energy sources, whereas most electricity is generated by burning fossil fuels. Emissions from electricity generation plants burning fossil fuel are substantial contributors to health and environmental problems, including ground-level ozone, acid rain, fine particulate pollution, nitrogen deposition, toxic air pollutants and global climate change. Renewable energy technologies provide an opportunity for substantial reductions in emissions of greenhouse gases and other pollutants. The new EPA website is located at <http://www.epa.gov/solar/>.

Region X Pollution Prevention Information Available On Line

The EPA's regional offices each fund an organization whose primary purpose is to facilitate networking and exchange of pollution prevention information in their respective regions. The Pacific Northwest Pollution Prevention Network provides this service in Region X through the Pollution Prevention Resource

Exchange information center. The reader can access a host of pollution prevention information that is pertinent to environmental managers in Region X. Access the information at <http://www.pprc.org/pprc/>.

CONFERENCES AND SYMPOSIUMS

- **26-29 September 1999: National Recycling Coalition Annual Congress and Exposition – Cincinnati, OH.** The emphasis for this year's exposition is on recycling success stories. Recycling professionals from around the country will gather to share ideas, experiences and knowledge. Registration information may be obtained by calling the National Recycling Coalition at (703) 683-9025.

ALASKA

Regulatory Developments

No significant regulatory developments were noted for the State of Alaska during the reporting period.

IDAHO

Regulatory Developments

No significant regulatory developments were noted for the State of Idaho during the reporting period.

OREGON

Legislative Developments

The 70th Legislature Assembly of the State of Oregon is scheduled to adjourn in late-June 1999.

House Bill 2176: Oregon Drinking Water Quality Act

Summary: Conforms the Oregon Drinking Water Quality Act to changes in federal Safe Drinking Water Act. Increases civil penalty authorized for large watersystems from \$500 to \$1,000 for each day of violation. Amends definition of water system. Eliminates the exemption from operator certification for small water systems and systems supervised by registered engineer.

Status: Introduced before the House on 21 January and referred to the Committee on Water and Environment. Passed out of Committee with amendments on 7 May. Passed the House on 13 May and transmitted to the Senate. Referred to the Senate Committee on Public Affairs on 17 May 1999.

Outlook: Too early to predict prospects for passage.

House Bill 2180: Environmental Proceedings

Summary: Specifies standing requirements for an association or organization seeking judicial review of certain final orders of Oregon Department of Environmental Quality (ODEQ) or Environmental Quality Commission.

Status: Introduced before the House on 21 January and referred to the Committee on Judiciary on 26 January. A public hearing on the bill was held on 7 April. Passed the House on 15 April and transmitted to the Senate on 16 April. Referred to the Senate Committee on Judiciary where a public meeting will be held on 13 May. Passed the House on 20 May 1999 and transmitted to the Senate.

Outlook: Too early to predict prospects for passage.

House Joint Memorial 1: Request for Federal Funding

Summary: Requests that the President and Congress withhold funding for enforcement actions taken by the National Marine Fisheries Service in Oregon until Congress provides sufficient funds to assist the state in restoration of salmon.

Status: Introduced before the House on 13 January and referred to the Committee on Stream Restoration and Species Recovery. Adopted by the House and transmitted to the Senate on 20 April. Referred to the Senate Committee on Stream Restoration and Species Recovery on 21 April 1999.

Outlook: The Legislature's feelings are still hurt over the federal action concerning salmon protection. Look for the memorial to pass unanimously in both the House and Senate.

Senate Bill 133: Salmon and Stream Enhancement

Summary: Expands scope of responsibility of Joint Legislative Committee on Salmon and Stream Enhancement to include oversight of activities pertaining to all native or anadromous fish.

Status: Introduced before the Senate on 11 January and referred to the Committee on Stream Restoration and Species Recovery. Public meeting held on 18 March. Passed out of Committee with amendments on 5 May. Passed the Senate and transmitted to the House on 7 May. Passed the House on 28 May 1999 and transmitted to the Governor for his consideration.

Outlook: Governor Kitzhaber signed the bill into law on 16 June 1999.

Regulatory Developments

No significant regulatory developments were noted for the State of Oregon during the reporting period.

WASHINGTON

Regulatory Developments

Air Quality:

- **Proposed Rule: Regional Haze.** The Washington Department of Ecology (WDOE) is proposing revisions to its State Implementation Plan (SIP) for visibility protection. The visibility SIP provides for continuing consultation between the state and Federal Land Managers on implementing the visibility protection program, provides for a monitoring strategy for Class I areas and the use of available visibility data, and contains a long-term strategy to make reasonable progress toward national visibility goals. The revision is based on a review of the SIP by the WDOE which was conducted in 1997. The review determined that the SIP is adequately dealing with visibility impairment under current rules but needs to be revised administratively to reflect rule changes that have occurred. This SIP revision will not address the new federal regional haze rule. For additional information, contact the WDOE at (360) 407-6820.

Miscellaneous:

- **Notice: Performance Partnership Agreement.** The WDOE is proposing a draft Performance Partnership Agreement with the EPA for 1 July 1999 through 30 June 2001. The agreement identifies joint goals and priorities for the two agencies for the next biennium, as well as the activities that will be carried out and the measures that will be used to track the agencies' progress. For additional information or a draft of the agreement, contact the WDOE at (360) 407-6998.